

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

In the Matter of	)	
CERTAIN ROTARY PRINTING	)	
APPARATUS USING HEATED INK	)	Investigation No.: 337-TA-320
COMPOSITION, COMPONENTS	)	
THEREOF, AND SYSTEMS	)	
CONTAINING SAID APPARATUS	)	
AND COMPONENTS	)	

NOTICE OF ISSUANCE OF LIMITED EXCLUSION ORDER

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order under 19 U.S.C. § 1337(d) to prevent the unauthorized importation into the United States of rotary printing apparatus using heated ink composition made or sold by or on behalf of Dato Pack Europa, S.A. of Barcelona, Spain and its successors or assigns, affiliated persons or companies, parents, subsidiaries, or other related business entities, which are covered by claims 1, 2, 3, 4, or 6 of U.S. Letters Patent 4,559,872.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3092. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810

ADDRESSES: Copies of the limited exclusion order, the Commission Opinion relating thereto, and all other nonconfidential documents on the record of the investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, DC 20436, telephone 202-205-2000.

SUPPLEMENTARY INFORMATION: On October 23, 1990, Markem Corporation (Markem) filed a complaint with the Commission alleging a violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain rotary printing apparatus using heated ink composition covered by claims 1,2,3,4,or 6 of U.S. Letters Patent 4,559,872, owned by Markem. On November 28, 1990, the Commission published notice of an investigation based on Markem's complaint. 55 Fed. Reg, 49437

On August 28, 1991, the presiding administrative law judge (ALJ) issued her final initial determination (ID) finding a violation of section 337 in this investigation. The complainant and the respondents petitioned for review of the ID. On October 15, 1991. the Commission issued notice of its decision to review the ID in its entirety.

The Commission solicited written submissions from the parties to the investigation, other Federal agencies, and interested members of the public on the issues under review and on the questions of remedy, the public interest, and bonding. The Commission received submissions from all active parties.

After considering the submissions and examining the record developed during the investigation, the Commission determined that there was a violation of section 337, and that the appropriate remedy

for the violation of section 337 was issuance of a limited exclusion order.

The Commission also determined that the public interest considerations listed in subsection (d) of section 337 do not preclude issuance of a limited exclusion order and that while the order is under review by the President pursuant to subsection (j) of section 337, the excluded articles will be entitled to enter the United States under a bond in the amount of 52 percent of the articles, entered value.

The authority for the aforesaid Commission determinations and the limited exclusion order is contained in Section 337 of the Tariff Act of 1930, 19 U.S.C. S 1337, and in sections 210.53.59 of the Commission's Interim Rules of Practice and Procedure.

By order of the Commission.

Kenneth R. Mason  
Secretary

Issued: February 28, 1992

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Washington, DC 20436

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THEREOF, AND SYSTEMS	)	
CONTAINING SAID APPARATUS	)	
AND COMPONENTS	)	
	)	

ORDER

Having examined the pleadings and the record in this investigation and determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unauthorized importation and sale of certain rotary printing apparatus using heated ink composition; having examined the written submissions on the issues of remedy, the public interest, and bonding, and having determined that the public interest factors listed in subsection (d) of section 337 (19 U.S.C. § 1337(d)) do not preclude the remedy ordered in paragraph 2, it is hereby ORDERED THAT:

1. This investigation is terminated with a finding that there is a violation of section 337 of the Tariff Act of 1930.
2. Rotary printing apparatus covered by claims 1, 2, 3, 4, or 6 of U.S. Letters Patent 4,559,872, made or sold by or on behalf of Dato Pack Europa, S.A., of Barcelona, Spain, or any successors, assigns, affiliated persons or companies, parents, subsidiaries, or other related business entities are excluded from entry into the United States for the remaining term of the patent, except under license from the patent owner.
3. The articles ordered to be excluded from entry into the United States shall be entitled to entry under bond in the amount of 52 percent of the entered value of the imported articles from the day after this Order is received by the President pursuant to subsection (j) until such time as the President notifies the Commission that he approves or disapproves this Order, but, in any event, not later than 60 days after receipt thereof.
4. The Secretary shall serve this Order upon the parties to the investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service, and shall publish notice thereof in the Federal Register.

By order of the Commission.

Kenneth R. Mason  
Secretary

Issued: February 28, 1992

CERTAIN ROTARY PRINTING APPARATUS USING HEATED  
INK COMPOSITION, COMPONENTS THEREOF, AND SYSTEMS  
CONTAINING SAID APPARATUS AND COMPONENTS

337-TA-320

CERTIFICATE OF SERVICE

I, Kenneth R. Mason, hereby certify that the attached COMMISSION'S FINAL DETERMINATION, NOTICE OF LIMITED EXCLUSION ORDER AND ORDER was served upon Juan Cockburn, Esq. and the following parties via first class mail, and air mail where necessary on March 2, 1992.

Kenneth R Mason,  
Secretary  
U.S. International Trade Commission  
500 E Street, S.W.  
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For Complainant **MARKEM CORPORATION:**

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For Respondents **DATO CODING SYSTEMS. INC., FRANKLIN MANUFACTURING CORP.  
AND PROFESSIONAL SALES ASSOCIATES, INC., DATO PACK EUROPA S.A., and Imaje,  
S.A.:**

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